

IN THE UNITED STATES PATENT AND TRADEMARKS OFFICE

In The Matter of Patent Application:

Applicants : AWEYA, James, et al
Serial No. : 10/633,459
Filing Date : August 1, 2003
Title : RATE-BASED MULTI-LEVEL ACTIVE QUEUE MANAGEMENT WITH
DROP PRECEDENCE DIFFERENTIATION
Examiner : Kan Yuen
Art Unit: 2616

To: The Assistant Commissioner for Patents,
The U.S. Department of Commerce,
Patent Office,
Washington, D.C., U.S.A., 20231

Dear Sir:

These remarks are submitted in response to the Office Action dated August 29, 2007, a response to which is due by November 29, 2007. In the Office Action, claims 1, 3-9, and 11-17 were provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims in co-pending Application No. 10/426,289. The co-pending application is commonly owned with the present application by Nortel Networks Limited. Accordingly, the Applicants submit herewith a Terminal Disclaimer on Form PTO/SB/25 to obviate the provisional double patenting rejection.

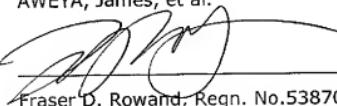
In view of the filing of the Terminal Disclaimer, the Applicants respectfully submit

that the present application now stands in condition for allowance. Should the Examiner have any questions with regard to the application, please contact the Applicants' agent, Fraser Rowand, at 416-868-1482.

Respectfully Submitted,

AWEYA, James, et al.

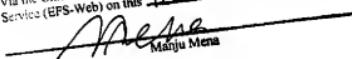
By:



Fraser D. Rowand, Regn. No.53870

Place: Toronto, Ontario, Canada
Date: October 12, 2007
Tele No.: 416-868-1482

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Manju Mena